

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: ST. JUDE MEDICAL, INC.
SILZONE HEART VALVES PRODUCTS
LIABILITY LITIGATION

MDL No. 01-1396 (JRT/FLN)

COY DAUGHERTY,

MDL Case Specific No. 03-1075 (JRT)

Plaintiff,

v.

ORDER

ST. JUDE MEDICAL, INC.,

Defendant.

William Gary Holt, **GARY EUBANKS & ASSOCIATES**, P.O. Box 3887,
Little Rock, AR 72203-3887, for plaintiff Daugherty.

Tracy J. Van Steenburgh, **HALLELAND, LEWIS, NILAN, SIPKINS &
JOHNSON**, 220 South Sixth Street, Suite 600, Minneapolis, MN 55402, for
defendant.

This matter is before the Court on plaintiff Coy Daugherty's motion for remand to the transferor court. Plaintiff filed this case on September 23, 2002, and it was transferred to this Court as part of the multi-district litigation on January 22, 2003. Plaintiff urges the Court to remand this case to the United States District Court for the Western District of Arkansas for case-specific discovery and trial.

Remand after a case has been transferred into multi-district litigation is only appropriate upon a showing of good cause. *In re South Cent. States Bakery Prods. Antitrust Litig.*, 462 F. Supp. 388, 390 (J.P.M.L. 1978). Plaintiff argues that remand is

appropriate because there is virtually no chance the case will settle. Although the Court agrees that trial appears inevitable in this case, remand is not justified at this time. Remand is premature because generic expert-related discovery is not completed, and Daubert motions have yet to be prepared and ruled upon. The Court will reconsider a motion to remand once the generic expert issues are resolved.

Based on the foregoing, all the records and files herein, **IT IS HEREBY ORDERED** that plaintiff's Motion to Remand to the Originating Court [Docket No. 8] is **DENIED without prejudice**.

DATED: February 14, 2007
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge